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| APPLICATION NO.                                                            | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/750,046                                                                 | 12/29/2000  | Masahiro Yoshiasa    | 074273/0178         | 6705             |
| 22428                                                                      | 7590        | 07/20/2004           | EXAMINER            |                  |
| FOLEY AND LARDNER<br>SUITE 500<br>3000 K STREET NW<br>WASHINGTON, DC 20007 |             |                      | BRANCOLINI, JOHN R  |                  |
|                                                                            |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                                            |             |                      | 2153                | 9                |

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/750,046

Applicant(s)

YOSHIAKA, MASAHIRO

Examiner

John R Brancolini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-11, 13-16, 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on April 12, 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This action in response to Amendment filed April 12, 2004. In the amendment, claims 4, 12, and 17 were cancelled, claims 21-22 were added. Claims 1-3, 5-11, 13-16, 18-22 are now pending in the application.

### ***Drawings***

The amended drawings have been entered, and the objection to the drawings have been withdrawn by the examiner.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 5-11, 13-16, 18-22 are rejected under 35 U.S.C. 102(a) as being anticipated by Kitayama and Fumihiko (European Patent EP 0969389 A2), hereinafter referred to as Kitayama.

In regards to claim 1, Kitayama discloses a gateway server, comprising:

- A convert section converting a first contents into second contents, wherein said first contents is received from a contents server in response to a

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- request of a small terminal and said second contents corresponds to a display performance of a display section of said small terminal (Fig 2 Item 100 shows a Gateway server used for converting data, after receiving a request the server receives the content and converts, paragraph [0074]).
- Wherein the convert section judges whether said first contents is a picture contents, and when said first contents is not said picture contents, said convert section does not convert said first contents into said second contents (a group of view objects, or pictures are created by the HTML editor if requested by the user and in the contents of the data, if the HTML generator does not receive view objects, then no conversion is done, paragraphs [0074], [0075]).
  - An output section outputting said second contents to said small terminal (the server outputs to a HTML generator which outputs the content to the network, paragraph [0075]).

Further discussion in detail of this claim is provided in the Response to Arguments section below.

In regards to claim 2, Kitayama discloses said small terminal is one of a portable wireless telephone, a PHS terminal and a personal digital assistant (Fig 1 shows a wireless telephone, item 150, paragraph [0066]).

In regards to claim 3, Kitayama discloses said second contents can be displayed in said display section (the documents created are for display on the various terminals, paragraph [0066]).

In regards to claim 5, Kitayama discloses said convert section does not convert said first contents into said second contents, when said first contents is received from said contents server in response to a request of a non-small terminal other than said small terminal, and wherein said output section outputs said first contents to said non-small terminal (when the server recognizes a request from a terminal which has the same display attributes as a saved state of the data, no conversion is necessary, paragraph [0069]).

In regards to claim 6, Kitayama discloses said display performance corresponds to the number of display pixels of said display section (Fig 12 shows a list of attributes which determine how the contents are converted for performance, the list of attributes includes display pixels, paragraph [0044]).

In regards to claim 7, Kitayama discloses said display performance corresponds to the number of display colors of said display section (Fig 12 shows a list of attributes which determine how the contents are converted for performance, the list of attributes includes display colors, paragraph [0044]).

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In regards to claim 8, Kitayama discloses a contents obtaining system, comprising:

- A terminal having a display section to display contents (the documents created are for display on the various terminals, paragraph [0066]).
- A contents server storing contents (a database acts as a server storing data contents, paragraph [0074]).
- A gateway server arbitrating a communication between said terminal and said contents server (the data service facility acts as an arbitrator between the database storing the contents and the terminal, paragraph [0074]).
- Wherein said terminal outputs a first request for obtaining required contents to said gateways server (a terminal makes a request, paragraph [0069]).
- Wherein said gateway server outputs a second request for obtaining said required contents to said contents server in response to said first request (the server outputs a request to a database acting as a server storing data objects, paragraph [0074]).
- Wherein said contents server outputs said required contents to said gateway server in response to said second request (the database transfers the data objects to the server, paragraphs [0074], [0075]).
- When said required contents are picture contents;
- Wherein said gateway server converts said required contents into a specific contents, wherein said specific contents correspond to a display performance of said display section of said terminal (using attributes of the

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terminal, the HTML generator converts the data into specific contents, paragraphs [0075], [0076]).

- Wherein said gateway server outputs said specific contents to said terminal (the server outputs to a HTML generator which outputs the content to the network, paragraph [0075]).

Further discussion in detail of this claim is provided in the Response to Arguments section below.

In regards to claim 9, Kitayama discloses said gateway server judges whether said required contents are picture contents, and wherein when said required contents is not said picture contents, said gateway server does not convert said required contents into said specific contents and said gateway server outputs said required contents instead of said specific contents to said terminal (a group of view objects, or pictures are created by the HTML editor if requested by the user and in the contents of the data, if the HTML generator does not receive view objects, then no conversion is done, paragraphs [0074], [0075]).

In regards to claim 10, Kitayama discloses said terminal is one of a small terminal and a terminal other than a small terminal, and wherein when said terminal is a small terminal, said terminal outputs said first request for obtaining said required contents to said gateways server, said first request including a information indicating that said terminal is a small terminal, and wherein when

said gateway server does not receive said information, said gateway server does not convert said required contents into said specific contents (upon requesting data, a terminal has to identify its attributes for conversion of the files, if no conversion attributes are received the server uses a stored state of the contents, paragraphs [0069], [0070], [0071], [0072]).

In regards to claim 11, Kitayama discloses a contents obtaining method, comprising:

- (a) Outputting a first request for obtaining a contents from a terminal to a gateway server (a terminal makes a request, paragraph [0069]).
- (b) Outputting a second request of obtaining said contents from said gateway server to a contents server in response to said first request (the server outputs a request to a database acting as a server storing data objects, paragraph [0074]).
- (c) Outputting said contents from said contents server to said gateway server in response to said second request (the database transfers the data objects to the server, paragraphs [0074], [0075]).
- (d) Converting said contents into a specific contents in said gateway server, wherein said specific contents corresponds to a display performance of a display section of said terminal (using attributes of the terminal, the HTML generator converts the data into specific contents, paragraphs [0075], [0076]).
- (e) Outputting said specific contents to said terminal from said gateway server (the server outputs to a HTML generator which outputs the content to the network, paragraph [0075]).



(f) Determining whether said contents are picture contents, and wherein when the contents are not determined as picture contents in step (f), step (d) is not performed and step (e) includes outputting said contents, instead of said specific contents to said terminal from the gateway server a group of view objects, or pictures are created by the HTML editor if requested by the user and in the contents of the data, if the HTML generator does not receive view objects, then no conversion is done, paragraphs [0074], [0075]).

Further discussion in detail of this claim is provided in the Response to Arguments section below.

In regards to claim 13, Kitayama discloses said terminal is one of a small terminal and a terminal other than said small terminal, and wherein when said terminal is a small terminal, step (a) includes outputting said first request of obtaining said contents to said gateways server from said terminal, said first request including information indicating that said terminal is a small terminal, and wherein step (d) is not performed when said gateway server does not receive said information (upon requesting data, a terminal has to identify its attributes for conversion of the files, if no conversion attributes are received the server uses a stored state of the contents, paragraphs [0069], [0070], [0071], [0072]).

In regards to claim 14, Kitayama discloses a computer readable recording medium for recording a program for a process, comprising:

(a) Converting first contents into second contents, wherein said first contents is received from a contents server in response to a request of a small terminal and said second contents corresponds to a display performance of a display section of said small terminal (Fig 2 Item 100 shows a Gateway server used for converting data, after receiving a request the server receives the content and converts, paragraph [0074]).

(b) Outputting said second contents to said small terminal (the server outputs to a HTML generator which outputs the content to the network, paragraph [0075]).

(c) Determining whether said second contents are picture contents.

Wherein when said first contents are not determined as picture contents in step (c), step (a) is not performed (a group of view objects, or pictures are created by the HTML editor if requested by the user and in the contents of the data, if the HTML generator does not receive view objects, then no conversion is done, paragraphs [0074], [0075]).

Further discussion in detail of this claim is provided in the Response to Arguments section below.

In regards to claim 15, Kitayama discloses said small terminal is one of a portable wireless telephone, a PHS terminal and a personal digital assistant (Fig 1 shows a wireless telephone, item 150, paragraph [0066]).

In regards to claim 16, Kitayama discloses said second contents can be displayed in said display section (the documents created are for display on the various terminals, paragraph [0066]).

In regards to claim 18, Kitayama discloses step (a) is not performed when said first contents is received from said contents server in response to a request of a non-small terminal other than said terminal, and wherein step (b) includes outputting said first contents to said non-small terminal when step (a) is not performed (when the server recognizes a request from a terminal which has the same display attributes as a saved state of the data, no conversion is necessary, paragraph [0069]).

In regards to claim 19, Kitayama discloses said display performance corresponds to the number of display pixels of said display section (Fig 12 shows a list of attributes which determine how the contents are converted for performance, the list of attributes includes display pixels, paragraph [0044]).

In regards to claim 20, Kitayama discloses said display performance corresponds to the number of display colors of said display section (Fig 12 shows a list of attributes which determine how the contents are converted for performance, the list of attributes includes display colors, paragraph [0044]).

In regards to claim 21, Kitayama discloses when said first contents are received from the content server in response to a request from a non-small terminal, the convert section does not convert said first contents into said second contents, and the output section outputs the first contents to the non-small terminal (upon requesting data, a terminal has to identify its attributes for conversion of the files, if no conversion attributes are received or if the conversion attributes are that of a non-small terminal, the server uses a stored state of the contents, paragraphs [0069], [0070], [0071], [0072]).

In regards to claim 22, Kitayama discloses the small terminal is a portable wireless telephone, a PHS terminal, or a personal digital assistant (Fig 1 shows a wireless telephone, item 150, paragraph [0066]).

### ***Response to Arguments***

Applicant's arguments towards independent claims 1, 8, 11, and 14:

1. It is not seen in Kitayama a convert section as recited in the independent claims where when the first contents are not picture contents, they are not converted into second contents (paraphrased from applicants Remarks section, page 8-9 of the amendment filed April 12, 2004).

With regards to argument 1, the examiner respectfully disagrees. The applicant questions the examiners interpretation of the HTML generator, however, the examiner does not consider the HTML generator to be the convert

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section of the disclosed invention by Katayama. The conversion occurs to the data files before being generated into HTML. As stated in paragraphs [0074] and [0075] of the Kitayama reference, the process starts with a root view object. When the data files need to be converted into image information, a grouping of view objects may be converted into a new grouping of view objects before the HTML generation step occurs. Kitayama goes on to state that even if the grouping of the view objects does not need to be changed, or converted, the generated HTML is still effected by the attributes loaded as conversion parameters, and the transferred HTML view objects are altered from the original.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R Brancolini whose telephone number is (703) 305-7107. The examiner can normally be reached on M-Th 7am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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